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FEB 14 1985

Herbert V. Kohler, President
Kohler Company
444 Highland Avenue
Kohler, Wisconsin 53044

Dear Mr. Kohler:

The United States Environmental Protection Agency (EPA) has information which indicates the release and/or threatened release of hazardous substances and/or pollutants or contaminants to the environment from the Ordnance works Disposal Areas (formerly Morgantown Ordnance Works) site, near Morgantown, West Virginia. The EPA believes that this release may constitute an imminent and substantial endangerment to the public health, welfare or the environment, as defined in the Comprehensive Environmental, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a). Under CERCLA, responsible parties may be liable for all monies needed to take any necessary response action at such sites including investigation, planning, removal, and remedial actions at these sites. See 42 U.S.C. § 9607. Responsible parties include the current and past owners and operators and persons who generated the hazardous substances or were involved in the transport, treatment, storage, or disposal of them at the site. See 42 U.S.C. § 9607(a). Based on our review of available records, EPA has information that indicates that you or your company may be a responsible party as defined in CERCLA.

This letter is to notify you that EPA believes that the following should be performed at the Ordnance Works Disposal Areas:

1. An investigation should be undertaken to determine the nature and extent of the problem presented by the release. This includes sampling and monitoring, as necessary, and includes the gathering of sufficient information to determine the necessity for and proposed extent of remedial action.
2. An evaluation should be conducted of alternatives for remedial action.
3. The detailed analysis of each alternative should include:

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EPA Form 1320-1 (12-70)

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1) Specification of alternatives in detail, with emphasis on use of established technology;

2) Detailed cost estimation, including distribution of costs overtime;

3) Evaluation of terms of engineering, implementation, or constructability;

4) An assessment of each alternative in terms of the extent to which it is expected to effectively mitigate and minimize damage to, and provide adequate protection of public health, welfare, and the environment, relative to the other alternatives analyzed; and

5) An analysis of any adverse environmental impacts, methods for mitigating these impacts, and costs of mitigation.

In addition to the above studies, other corrective measures may be necessary to protect public health, welfare, or environment. These corrective measures may include, but are not necessarily limited to:

1. Implementation of initial remedial measures, e.g., securing the site to prevent contact with any potential hazardous or toxic materials at the site and/or removal of contaminated material from the surface; and

2. Designing and implementing an EPA approved remedial option for any ground water, surface water, soil, and air contamination; and

3. Providing any monitoring and maintenance necessary after remedial measures have been completed.

You should notify EPA, in writing within twenty eight (28) calendar days from the receipt of this letter, of the nature and extent of the corrective measures you may be willing to undertake. Otherwise, EPA will assume that you decline to undertake voluntary site cleanup, and we may proceed with any necessary enforcement action under CERCLA or the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et. seq. Your letter should indicate the appropriate name, address, and telephone number for further contact with you in addition to a statement of the activities you may be willing to undertake. Where you are already involved in discussions with EPA, State or local authorities or engaged in voluntary action, you should continue that activity and report the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions. Your letter should be sent to:

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Mark diFeliciantonio, Environmental Engineer
US Environmental Protection Agency
Region III
Curtis Building
6th & Walnut Streets
Philadelphia, PA 19106

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If you need further information on the nature and extent of the release or threatened release or on our determination that you may be a responsible party, you may contact Mr. diFeliciantonio at 215 597-8185.

I trust that you will give these matters your immediate attention

Sincerely yours,

Stephen R. Wassersug, Director
Hazardous Waste Management Division

cc: Tim Laraway, Branch Head
Solid Waste/Hazardous Waste Ground Water Branch
West Virginia Department of Natural Resources

Gene Lucero, Director
Office of Waste Programs Enforcement (WH527)
US Environmental Protection Agency

William N. Hedeman, Jr. Director
Office of Emergency & Remedial Response (WH548)
US Environmental Protection Agency

Bruce Diamond, Office of Regional Counsel (3RC00)
US Environmental Protection Agency

Courtney M. Price, Assistant Administrator
Enforcement and Compliance Monitoring (LE-133)
US Environmental Protection Agency

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